

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCT LIABILITY LITIGATION ) MDL No. 2873  
 ) Master Docket No. 2:18-mn-2873-RMG

**This document relates to:**

Certain Underwriters at Lloyd's, London and ) Civil Action No. 2:24-cv-04325-RMG  
Certain London Market Insurance Companies, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
BASF Corporation, as alleged successor-in- )  
interest ) of Ciba-Geigy Corporation, Ciba )  
Corporation, and/or Ciba ) Specialty Chemicals )  
Corporation, *et al.* )

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**AXA VERSICHERUNG AG'S  
ANSWERS TO D.S.C. LOCAL RULE 26.01 INTERROGATORIES**

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Defendant AXA Versicherung AG (as successor to Colonia Versicherung AG) ("AXA Versicherung AG"), incorrectly sued as "AXA Group AG," through its undersigned counsel, and pursuant to Federal Rule of Civil Procedure 7.1 and Local Rule 26.01 (D.S.C.), provides the following responses.

(A) State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of that interest.

**RESPONSE: AXA Versicherung AG is not aware of any person or legal entity that has a standard subrogation interest in any claim at issue in this matter. To the extent that insurers may assert claims against other insurers, some of those claims may sound in "equitable subrogation."**

(B) As to each claim, state whether it should be tried jury or nonjury and why.

**RESPONSE: Neither Plaintiffs nor AXA Versicherung AG has requested a jury.**

(C) State whether the party submitting these responses is a publicly owned company and separately identify (1) any parent corporation and any publicly held corporation owning ten percent (10%) or more of the party's stock; (2) each publicly owned company of which it is a parent; and (3) each publicly owned company in which the party owns ten percent (10%) or more of the outstanding shares.

**RESPONSE: AXA Versicherung AG is not a publicly owned company and is a wholly owned subsidiary of AXA Konzern AG. The ultimate indirect parent of AXA Versicherung AG is AXA SA, a publicly owned company domiciled in France. AXA Versicherung AG is not the parent company of any publicly owned company and does not hold 10% or more of the shares of any publicly owned company.**

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). See Local Civ. Rule 3.01 (D.S.C.).

**RESPONSE: This action was filed by Certain Underwriters at Lloyd's, London and Certain London Market Insurance Companies, not by AXA Versicherung AG. This action was removed to federal court by BASF Corporation, not by AXA Versicherung AG. AXA Versicherung AG is challenging jurisdiction for the reasons set forth in (1) its Joinder to Motion for Realignment and Motion to Remand [Doc. 84], (2) other motions that AXA Versicherung AG has joined [Docs. 72, 73, 74, and 85], and (3) the various reply briefs filed in connection with those motions [e.g., Doc. 89, 90, 91, and 92].**

(E) Is this action related in whole or in part to any other matter filed in this district, whether civil or criminal? If so, provide (1) a short caption and the full case number of the related action;

(2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases that may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the clerk of court based on a determination of whether the cases arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

**RESPONSE: Although the parties are not identical, this action concerns the same insurance coverage dispute that is at issue in *BASF Corp. v. AIU Ins. Co., et al.*, Case No. 24-cv-00993.**

**In the *BASF Corp. v. AIU Ins. Co.* action, the Court has before it several motions to dismiss, which are fully briefed.**

(F) If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

**RESPONSE: AXA Versicherung AG was incorrectly sued in this action as “AXA Group AG.” AXA Versicherung AG would accept, through counsel, service of an amended summons and pleading reflecting the correct identification.**

(G) If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of their liability.

**RESPONSE: AXA Versicherung AG has no current obligation in connection with any claims included in this action. However, if the Court finds that coverage exists for some or all of the claims asserted, the Court should allocate coverage among the other insurers, including**

**the insurers named as defendants in this case and other insurers not named, pursuant to applicable law.**

(H) In an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), a party or intervenor must, unless the court orders otherwise, name – and identify the citizenship of – every individual or entity whose citizenship is attributed to that party or intervenor. This response must be supplemented when any later event occurs that could affect the court’s jurisdiction under § 1332(a).

**RESPONSE: AXA Versicherung AG is a citizen of Germany.**

Dated: October 4, 2024      Respectfully Submitted,

/s/ Seth Jaffe

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*Counsel for Defendants Coliseum Reinsurance Company, as successor by merger to AXA Insurance Company, f/k/a Colonia Insurance Company, a New York Corporation, incorrectly sued as “AXA Insurance Company,” and AXA Versicherung AG, as successor to Colonia Versicherung AG, incorrectly sued as “AXA Group AG”*